

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DENNIS EUGENE SMITH,

Defendant.

8:22-CR-117

**ORDER DENYING DEFENDANT'S
MOTION IN LIMINE AS MOOT**

This matter is before the Court on Defendant Dennis Eugene Smith's Motion in Limine. [Filing 37](#). Smith seeks to exclude certain recorded statements that were made by a law enforcement officer when Smith was interviewed. [Filing 37 at 1](#). Specifically, Smith provides the following basis for his Motion:

During the taped statement of the Defendant, one of the officers questioning him makes statements such as the Defendant is a "monster", a "pedophile". This same officer comments on the strength of the evidence in a way that would suggest to the jury that conviction should be the only outcome. These statements by this officer are unduly prejudicial to the Defendant, their prejudicial value substantially outweighs their probative value, and most of the statements made on the tape are not relevant.

[Filing 37 at 1](#).

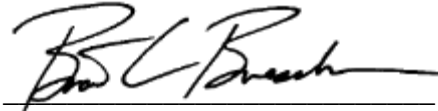
In the Government's response to Smith's Motion, it submits that this matter is moot in light of the Government's agreement not to introduce the contents of this evidence at trial except for potential impeachment purposes. [Filing 83 at 2](#). The Court agrees with the Government. The record reflects that the Government previously advised the Defendant that it did not intend to use these statements. *See* Filing 54 (Text Minute Entry). Based upon the Government's assertion that it does not intend to offer this evidence except possibly for impeachment, the matter is moot. To the extent the Government intends to offer this evidence at trial for impeachment purposes or because it

believes that the Defendant has otherwise opened the door to its introduction, the Government is admonished to first provide the Court with notice of its intent so that this matter may be addressed outside the presence of the jury. Accordingly,

IT IS ORDERED: Defendant's Motion in Limine, [Filing 37](#), is denied as moot.

Dated this 26th day of March, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B.C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge